

1 computer, and that was about six months ago, and once
2 to discuss a case.

3 Q Were both of these instances while Myra
4 Gomez was working as your J.A.?

5 A Yes.

6 Q Okay. All right. Are there -- is there
7 any bad blood or hard feelings between you and he?

8 A There was not.

9 Q Okay. All right. Just simply wasn't
10 anything social, it was just that he was a judge and
11 you were a judge?

12 A I think we have nothing in common, no.

13 Q All right. What about with Judge
14 Ficarrota?

15 A Gaspar Ficarrota?

16 Q Yes.

17 A Judge Gaspar Ficarrota and I have been
18 extremely close. I have always considered him a
19 mentor, a friend. He has been a very good judge. He
20 was a good judge when I was a lawyer. And he has been
21 one of the judges that in my six years on the bench,
22 when I've had a difficult legal decision, I have
23 consulted with. We have had an excellent relationship.

24 Q All right. Do you know if you have, and
25 I don't know how to phrase this, a reputation for

1 leaking things to the press, the JQC, the Governor's
2 office, any of those things? And I'm talking about
3 amongst your peers. I don't mean generally beyond
4 that.

5 A Well, reputation is a rather subjective
6 term.

7 Q Yes, it is.

8 A I have a reputation for speaking my mind
9 and for being extremely open with the press. I believe
10 that both the Civil and the Criminal Justice System,
11 your entire system of justice, belongs to the people,
12 and that we have nothing to hide. And that we wear
13 robes and not hoods, and that's for a reason.

14 When I went to the Juvenile Division, the
15 media was absolutely and positively excluded from that
16 floor, which is contrary to Florida law. And so I
17 went, I won't say to battle, but I certainly disagreed
18 with my two colleagues on that floor when I was
19 assigned to that division in August of 1996, because
20 the people have a right to see what they get or what
21 they don't get for their tax dollars.

22 People spend a lot of money on this
23 system of justice, and I think they ought to know what
24 goes on here, good, bad, or indifferent. And so I have
25 never hidden, when I am asked questions by the press,

1 if I think that I can legally and ethically answer
2 them, then I will do so. I don't hide from those
3 people. They have a job to do; we have a job to do. I
4 don't think those two jobs are at cross purposes.

5 Q That is right. That's fine. This jury
6 has heard that there are a series of JQC actions now
7 pending that involves personnel here in this
8 courthouse. You're probably aware, maybe not of all,
9 but of some of those actions?

10 A I'm directly aware of several.

11 Q All right. Do you maintain any
12 information in your offices on those actions, such as
13 press clippings, correspondence, notes, anything on any
14 of those actions that you keep in your office?

15 A I have maintained press clippings, things
16 that I am interested in with respect to the various
17 actions. I maintain a file that concerned press
18 clippings on the Judge Ed Ward case. I had a personal
19 interest in the Judge Ward case.

20 I believe that anytime you infringe on
21 another person's rights that is absolutely wrong. I
22 believe, based upon my education, experience, and
23 training, my moral upbringing, that we should obviously
24 treat people the way we would like to be treated.

25 I think any form of harassment,

1 specifically sexual harassment, is not only wrong, not
2 only illegal, but absolutely abominable. And so I took
3 a very personal interest in the Judge Ward case because
4 I thought that what Judge Ward did, what he had done to
5 the women that I knew about, was, number one, illegal;
6 number two, immoral; and number three, just one of the
7 worst possible things any human being, but particularly
8 a judge, can possibly do. And I was absolutely
9 offended by his actions. So I maintained clippings on
10 that process.

11 Q Did you maintain clippings on any other
12 situations, maybe not necessarily of that nature, but
13 pertaining to folks here in the courthouse?

14 A I probably did. Periodically I would
15 clip things out and send them to my parents over in
16 Melbourne, Florida, make copies and send them over so
17 that they could maintain that contact and see what was
18 going on.

19 Q What about copies of e-mails that you
20 might have sent or received related to any of these
21 issues?

22 A At one point I had, say, several e-mails
23 by and between the Chief Judge and myself concerning
24 various issues. I don't remember which ones
25 specifically.

1 Q You know, I'm sorry I don't have the
2 precise date here, but let's talk about, because I
3 think it's relevant, some of the things that were kind
4 of swirling at the time Harry Coe died. That was
5 obviously prior to July 27th. And I don't recall the
6 exact date, do you? It may be as much as two weeks?

7 A It was approximately two weeks.

8 Q Yes.

9 A He was found that Wed, pardon me,
10 Thursday morning. And that was the same day I put my
11 family on a plane to go bury my father-in-law in Iowa.

12 Q Okay. Almost immediately after his death
13 Judge Alvarez expresses an interest in being State
14 Attorney; is that correct?

15 A He and several others.

16 Q Okay. Who were the others?

17 A Obviously the people running for that
18 office.

19 Q Sure.

20 A Jennings and Ober expressed an interest
21 in doing that. John Moser was extremely interested in
22 obtaining that position. Judge Coe's body wasn't even
23 cold yet and there were people literally jumping over
24 his body to obtain his job.

25 Q Did you have any strong feelings about

1 the possibility of Judge Alvarez being State Attorney?

2 A Yes.

3 Q Share those with us.

4 A I knew that as a result of my knowledge
5 of Judge Ward's actions -- when I first discovered in
6 the summer of 1999 that Michele Boylan, who is Judge
7 Greco's judicial assistant, had received very sexually
8 suggestive e-mails, I reported that fact to Judge
9 Alvarez, and I demanded that he do something about it.
10 And he promised me that he would, indeed, do something
11 about it.

12 Approximately a month later, and I'm
13 estimating those dates, it would have been
14 approximately August of 1999, Michele Boylan came to my
15 office, came into my private office and confided in me
16 that now it was another judicial assistant, Dee
17 D'Agostini, who is the judicial assistant for Judge
18 Vivian Maye, she had been invited to go have beers and
19 engage in other activities with Judge Ward, and Judge
20 Ward had personally grabbed Judge Maye against her will
21 and had kissed her against her will here in the
22 courthouse.

23 And I was extremely upset about this
24 information. Once again immediately went to the Chief
25 Judge and said, "You told me a month ago or two months

1 ago you were going to do something about Judge Ward,
2 you haven't, and now we have two other victims. You
3 know, you either do something about it or I will." And
4 he promised me once again he would take action.

5 And I don't know what action he took, but
6 we all know the result now; Judge Ward has resigned. I
7 am generally aware that other victims came forward
8 reporting sexual harassment in some form or fashion.

9 I'm aware that there was an intern, a
10 legal intern, a Stetson law student working here in the
11 courthouse who had been contacted by Judge Ward at her
12 home. He had gotten her home phone number, had called
13 and left voice messages on her phone answering machine,
14 very sexually suggestive voice e-mails, and that those
15 had been kept. And I'm not sure if it was that
16 particular victim or some other victims coming forward,
17 but ultimately Judge Ward resigned.

18 And I was offended that Judge Ward's
19 activities had not been stopped. And I knew that the
20 JQC was examining and had actually opened an
21 investigation of Judge Alvarez. And the State
22 Attorney, as the chief prosecutor for this county, this
23 judicial circuit, the Thirteenth Circuit, is perhaps
24 the most powerful position in this county in my
25 opinion.

1 I knew that the Governor was going to
2 make an appointment and make it very quickly. And I
3 did not want the Governor embarrassed, because I have a
4 great deal of respect for Governor Jeb Bush, I've met
5 him, I like him, my kids like him. And more
6 importantly, this particular office, that of the State
7 Attorney, being so important, we cannot afford to have
8 that office -- again, it's been under a cloud because
9 of the investigation involving the late Judge Coe.

10 We've got to restore public trust and confidence to
11 these offices, whether it be the judges or the State
12 Attorney. I just feel that the public deserves better.

13 And so I had a vested interest. I sent
14 an e-mail to the Governor, to Jeb at Jeb.org, which is
15 his quote/unquote private e-mail, if you will. It's
16 not private. It's subject to Chapter 119, which is the
17 Public Records Act. And the media made a Chapter 119
18 request of the Governor's office.

19 He had my e-mail which said, "Hey, before
20 you appoint anybody from the courthouse," it didn't say
21 names, "take a look, talk to the JQC, and investigate
22 these investigations. Get all the information you
23 can."

24 And so the media on a fishing expedition,
25 because the person that did the Chapter 119 request,

1 David Karp from the St. Pete Times, called me and said,
2 "We were looking for funny e-mails, we were looking for
3 e-mails to the Governor saying appoint Daffy Duck as
4 State Attorney or, you know, Speedy Gonzalez or, you
5 know, whatever, and we came up with your e-mail." And
6 he said, "What do you have to say about that?" After I
7 stopped choking I said, "I really don't have any
8 comment on that, David, but thank you."

9 Q Needless to say, the end result was it
10 didn't improve relations with Judge Alvarez?

11 A It did not improve relations here in the
12 courthouse, no. That would be an understatement.

13 Q All right. But there's something else
14 kind of going on simultaneously with all of this, I
15 think, and that is, is somebody trying to line up or is
16 somebody trying to line up someone to be the next Chief
17 Judge?

18 A Interestingly enough, that Friday -- I
19 put my family on the plane Thursday. They buried my
20 father-in-law Saturday. That Friday Judge Gaspar
21 Ficarrotta came to me about 4:30 to 5:00 p.m. and sat
22 down and said, "It's a done deal. Dennis Alvarez is
23 the next State Attorney. It's already been promised.
24 It's set in concrete. And we want your support for
25 Judge Bonanno to be Chief Judge."

1 And my reply almost word for word was,
2 "Gaspar, when cows can fly I will support Bobby Bonanno
3 for Chief Judge, not until cows can fly. I will not
4 ever, ever, ever, ever support that man for that
5 position."

6 Q What was his reaction?

7 A Well, that wasn't the reaction or the
8 response he expected. At that time I knew that he
9 himself, Gaspar Ficarrotta, was under investigation.
10 That his bailiff, Tara Pisano, had gone to the JQC and
11 reported sexual relations by and between them, had
12 given them a document, and had made several various
13 allegations, pretty broad range allegations against
14 Judge Ficarrotta.

15 And I told Gaspar, I said, "Look, even
16 with all of your issues, what few I know about, you
17 know, I could support you before I could support Bobby
18 Bonanno."

19 Q Is there any doubt in your mind that
20 Judge Ficarrotta informed Judge Bonanno about that?

21 A None.

22 Q Almost immediately?

23 A I would think almost immediately.
24 They -- they have a long-standing relationship.

25 Q Tell us about that.

1 A Gaspar and Bobby and Dennis go way back.
2 You know, they've known each other. I'm a relative
3 newcomer, and I was not born here, was not raised here,
4 came here from Melbourne. And although I've been
5 around here a long time, from '79 to present, really,
6 with the exception of a few years in Utah and a year in
7 Korea, you know, I didn't go to Jefferson High School,
8 I went to Eau Gallie High School over in Melbourne, and
9 so I am not part of that clique. There is absolutely
10 no doubt of that.

11 But those folks, they served in the State
12 Attorney's Office, Alvarez and Bonanno did, you know,
13 and they and Ficarrotta go way back.

14 Q I tell you, and I don't want to get it
15 out of sequence, but what I'm going to hopefully come
16 back to, and let's make sure I don't ignore it, is
17 possible motivations for someone being in your office
18 later on. That's where I'm going with that line of
19 thinking.

20 A Right.

21 Q July 27th. Well, let me ask you this:
22 Myra Gomez works for you. Did you ask for Myra Gomez
23 to be your J.A. on a temporary basis, or how did that
24 come about?

25 A When my judicial assistant, Lori Nasco,

1 went out on disability leave, she had been involved in
2 an accident and had seriously injured her spine and was
3 going to have to have two surgeries; one on the spine
4 where they put a titanium plate in, and one on the
5 rotator cuff. She had torn two of the either tendons
6 or ligaments, whatever they are. And so she was going
7 to be out for a long period of time on disability.

8 And so I hired Robyn D'Agresta. And
9 Robyn worked for me for approximately six months. And
10 Judge Mark Wolf was appointed to the county bench by
11 Governor Bush, and Mark hired Robyn as a permanent
12 judicial assistant.

13 And these jobs don't pay a lot but they
14 are coveted by these people. You know, we give them a
15 title, judicial assistant, but they don't make much.
16 They only make, you know, \$28-\$29,000, which isn't a
17 lot when they, you know, get threatened and harassed by
18 people calling all the time. It's a tough job.

19 Q That's about what we start our lawyers
20 at, so please don't tell them that over in Polk County.

21 A Well, your lawyers are underpaid.

22 Q Yes.

23 A But anyway, Robyn went over to work for
24 Mark Wolf, Judge Wolf. And at that time Myra Gomez
25 called me. I've known Myra Gomez and Frank, Judge

1 Frank Gomez, since about '93, '94, and about '93, about
2 seven years. And Myra told me that their two kids were
3 having financial difficulties and she really needed the
4 job, and wanted to know if I would hire her as my
5 temporary judicial assistant.

6 Now, the reason this was a real good deal
7 is because with Lori out on disability, these temporary
8 J.A.s got benefits, so they were actually put on the
9 payroll and gained time for retirement purposes, leave
10 purposes, all of those things. So it was a real good
11 deal for both Robyn for six months and then Myra for
12 six months.

13 And based upon their financial
14 difficulties, and recognizing that Myra was the cousin
15 of Judge Alvarez, I had a chat with her about the
16 privacy and everything else, and I said yes, I'd hire
17 her.

18 So I hired her, and she served for about
19 six months. And she's hard working and honest, I
20 think, and did a good, very conscientious -- very
21 conscientious about turning off the lights and locking
22 the doors. The woman is meticulous about neatness.
23 She's a neatness freak and everything has got to be in
24 its place.

25 And I've never -- Lori is not like that.

1 But Myra, by golly, the lights are off, the doors are
2 locked, and at 4:30 on the dot she walks out the door.

3 Q She says that she had very little to do
4 because you just described yourself, but was she aware
5 of the e-mails, the clippings, those files that you
6 kept in your office?

7 A No.

8 Q No way she could have known about them or
9 seen them or --

10 A Well, she could have. I don't lock my
11 desk, never have.

12 Q I think all I want to do is explore the
13 possibility of her sharing information with other
14 judges --

15 A It is possible.

16 Q -- such as her cousin.

17 A It is possible.

18 Q From what you're saying, you never had
19 one reason to doubt her loyalty?

20 A That's correct.

21 Q Or her just right down the middle --

22 A I have no reason to do so today and
23 didn't while she worked for me.

24 Q All right. All right. Is it fair to say
25 that while you weren't trying to be secretive, it was,

1 nonetheless, not necessarily common knowledge that you
2 kept information of this nature?

3 A It wasn't common knowledge, but I didn't
4 hide it. I just stuck it in there.

5 Q And where were these files then kept?

6 A In my hearing room in my lower right-hand
7 drawer toward the back.

8 Q Just so that the jury knows exactly what
9 you're talking about, this should be a fairly accurate
10 representation.

11 A Right here in that lower right-hand
12 drawer. And then in this desk I kept a lot of military
13 files and research files. My retirement files are over
14 here. I've got some military files over in this drawer
15 over here. Then in the credenza I've got campaign
16 stuff from back in 1994.

17 Q Okay. All right, that's fine. You've
18 already described at 4:30 on the button Myra Gomez
19 walks out the door virtually every day?

20 A Every day.

21 Q She's security conscious?

22 A Every day.

23 Q Have you ever arrived at work one morning
24 to find any of your doors unlocked or left ajar?

25 A No. No.